

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 494

H.P. 387

House of Representatives, February 10, 2011

### **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative KESCHL of Belgrade.  
Cosponsored by Representative COTTA of China and  
Representatives: CHASE of Wells, FOSTER of Augusta, GRAHAM of North Yarmouth,  
HARMON of Palermo, HARVELL of Farmington, JOHNSON of Eddington, KNIGHT of  
Livermore Falls, MALONEY of Augusta.

1           **Constitutional amendment. Resolved:** Two thirds of each branch of the  
2 Legislature concurring, that the following amendment to the Constitution of Maine be  
3 proposed:

4           **Constitution, Art. IV, Pt. First, §2** is amended to read:

5           **Section 2. Number of Representatives; biennial terms; division of the**  
6 **State into districts for House of Representatives.** The House of Representatives  
7 shall consist of 151 members, to be elected by the qualified electors, and hold their office  
8 2 years from the day next preceding the first Wednesday in December following the  
9 general election. The Legislature which convenes in ~~1983~~ 2013, and also the Legislature  
10 which convenes in 2021 and every 10th year thereafter, shall cause the State to be divided  
11 into districts for the choice of one Representative for each district. The number of  
12 Representatives shall be divided into the number of inhabitants of the State exclusive of  
13 foreigners not naturalized according to the latest Federal Decennial Census or a State  
14 Census previously ordered by the Legislature to coincide with the Federal Decennial  
15 Census, to determine a mean population figure for each Representative District. Each  
16 Representative District shall be formed of contiguous and compact territory and shall  
17 cross political subdivision lines the least number of times necessary to establish as nearly  
18 as practicable equally populated districts. Whenever the population of a municipality  
19 entitles it to more than one district, all whole districts shall be drawn within municipal  
20 boundaries. Any population remainder within the municipality shall be included in a  
21 district with contiguous territory and shall be kept intact.

22           **Constitution, Art. IV, Pt. First, §3** is amended to read:

23           **Section 3. Submission of reapportionment plan to Clerk of House;**  
24 **Legislature's action on commission's plan.** The apportionment plan of the commission  
25 established under Article IV, Part Third, Section 1-A shall be submitted to the Clerk of  
26 the House no later than ~~120 calendar days after the convening of the Legislature~~ June 1st  
27 of the year in which apportionment is required. In the preparation of legislation  
28 implementing the plan, the commission, following a unanimous decision by commission  
29 members, may adjust errors and inconsistencies in accordance with the standards set forth  
30 in this Constitution, so long as substantive changes are not made. The Legislature shall  
31 enact the submitted plan of the commission or a plan of its own by a vote of 2/3 of the  
32 Members of each House ~~within 30 calendar days after the plan of the commission is~~  
33 ~~submitted~~ by June 11th of the year in which apportionment is required. Such action shall  
34 be subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

35           In the event that the Legislature shall fail to make an apportionment ~~within 130~~  
36 ~~calendar days after convening~~ by June 11th, the Supreme Judicial Court shall, within 60  
37 days following the period in which the Legislature is required to act, but fails to do so,  
38 make the apportionment. In making such apportionment, the Supreme Judicial Court  
39 shall take into consideration plans and briefs filed by the public with the court during the  
40 first 30 days of the period in which the court is required to apportion.

41           The Supreme Judicial Court shall have original jurisdiction to hear any challenge to  
42 an apportionment law enacted by the Legislature, as registered by any citizen or group

1 thereof. If any challenge is sustained, the Supreme Judicial Court shall make the  
2 apportionment.

3 **Constitution, Art. IV, Pt. Second, §2** is amended to read:

4 **Section 2. Submission of reapportionment plan to Secretary of Senate;**  
5 **Legislature's action on commission's plan; division of State into Senatorial Districts;**  
6 **division by Supreme Judicial Court.** The Legislature which shall convene in the year  
7 ~~1983~~ 2013, and also the Legislature which shall convene in the year 2021 and every tenth  
8 year thereafter, shall cause the State to be divided into districts for the choice of a Senator  
9 from each district, using the same method as provided in Article IV, Part First, Section 2  
10 for apportionment of Representative Districts.

11 The apportionment plan of the commission established under Article IV, Part Third,  
12 Section 1-A shall be submitted to the Secretary of the Senate no later than ~~120 calendar~~  
13 ~~days after the convening of the Legislature~~ June 1st of the year in which apportionment is  
14 required. In the preparation of legislation implementing the plan, the commission,  
15 following a unanimous decision by commission members, may adjust errors and  
16 inconsistencies in accordance with the standards set forth in this Constitution, so long as  
17 substantive changes are not made. The Legislature shall enact the submitted plan of the  
18 commission or a plan of its own by a vote of 2/3 of the Members of each House, ~~within~~  
19 ~~30 calendar days after the plan of the commission is submitted~~ by June 11th of the year in  
20 which apportionment is required. Such action shall be subject to the Governor's approval  
21 as provided in Article IV, Part Third, Section 2.

22 In the event that the Legislature shall fail to make an apportionment ~~within 130 days~~  
23 ~~after convening by June 11th~~, the Supreme Judicial Court shall, within 60 days following  
24 the period in which the Legislature is required to act but fails to do so, make the  
25 apportionment. In making such apportionment, the Supreme Judicial Court shall take  
26 into consideration plans and briefs filed by the public with the court during the first 30  
27 days of the period in which the court is required to apportion.

28 The Supreme Judicial Court shall have original jurisdiction to hear any challenge to  
29 an apportionment law enacted by the Legislature, as registered by any citizen or group  
30 thereof. If any challenge is sustained, the Supreme Judicial Court shall make the  
31 apportionment.

32 ; and be it further

33 **Constitutional referendum procedure; form of question; effective date.**  
34 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their  
35 respective cities, towns and plantations to meet, in the manner prescribed by law for  
36 holding a statewide election, at a statewide election held in the month of November  
37 following the passage of this resolution, to vote upon the ratification of the amendment  
38 proposed in this resolution by voting upon the following question:

39 "Do you favor amending the Constitution of Maine to change the years of  
40 redistricting the Maine Legislature after 2013 from 2023 and every 10th year  
41 thereafter to 2021 and every 10th year thereafter?"

